

Application No. 10/511,535
Response dated 02/28/2007

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Remarks

Claim Rejection under 35 U.S.C. § 102:

The Examiner has rejected Claims 1-4, 18 and 19 as being anticipated by US 6,569,865 B2.

Applicant respectfully point out that US 6,569,865 B2 discloses and claims a single unsubstituted compound, namely (2'R)-5'-(3-furanyl)spiro[1-azabicyclo[2.2.2]octane-3,2'(3'H)-furo[2,3-b]pyridine]. The present invention is directed to substituted compounds, specifically compounds having 1, 2 or 3 substituents as provided in the definition of Ar in Claim 1.

Accordingly, Applicants believe the Examiner is mistaken in making this rejection and respectfully solicits its withdrawal.

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Claim Rejection for Double Patenting:

The Examiner has rejected Claims 1-4, 18 and 19 as being not patentably distinct from certain granted patents and copending applications. For clarity, Applicants provide below a Table showing the relationships of Applicants' patents and applications mentioned by the Examiner.

Applicants Docket No.	International Publication No.	US Application No.	US Publication No.	US Patent No.
A1695 (four divisional cases also filed)	WO 99/03859	09/171983		US6110914
A2090 & Div of A2090	WO 00/42044		US2003149065 US2005250802	US6995167
100559	None (not filed outside US)			US6569865
100332 (international counterpart of 100559)	WO 2002096912	None (not filed in US)		
100694		10/511525		
100695 (this application)		10/511535		

Applicants respectfully request that the rejection for double patenting be held in abeyance until agreement has been reached on the patentability of claims.

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Statement of Common Ownership

Patents and applications shown in Table 1,

Table 1

Application No.	Publication No.	US Patent No.
PCT/SE98/01364 09/171983 09/594703 (Div) 10/093939 (Div) 10/396215 (Div) 10/801085 (Div)	WO 99/03859 US20020187994 US20030166935 US20050004099	US6110914 US6369224 US6703502 US6706878 Pending
PCT/SE99/02478 09/529654 11/181098 (Div)	WO 00/42044 US2003149065 US2005250802	US6995167 Pending
	None (not filed outside US)	US6569865
PCT/SE02/01031 (not filed in US)	WO 2002096912	
PCT/SE03/00615 10/511525	WO 03/087104 US20050131003	Pending

were, at the time the present invention was made, owned by or subject to an obligation of assignment to AstraZeneca AB.

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Claim Rejection under 35 U.S.C. § 103:

The Examiner has rejected Claims 1-4, 18 and 19 as being obvious over certain applications and pending applications as described in the Table above.

Accordingly, because the cited references were at the time the invention was made owned or subject to an obligation of assignment to AstraZeneca, Applicants take the position that the references cannot be cited again the present application and therefore that the rejection is obviated.

Applicants earnestly solicit prompt issuance of a Notice of Allowance.

Respectfully submitted,

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Dated: February 28, 2007